# TOWN OF FLETCHER

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MAYOR

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TOWN MANAGER

COUNCIL MEMBERS:
TREVOR LANCE
JIM PLAYER
KEITH REED
AMBER MCKINNEY

# Standard Rezoning
# PIN: 9643-92-2309 (David P. Michaels)
# (Behind 90 Underwood Road)
# (26-17-RZO)

## Planning Department Staff Report
## Tyler Morrow, Planning and Zoning Director

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# Project Summary



**SITE VICINITY MAP**

- **Project Name & Case #:**
  - David Michaels Standard Rezoning
  - 26-17-RZO
- **Applicant:**
  - David P. Michaels
- **Property Owner:**
  - David P. Michaels
- **Property Address:**
  - No addressed assigned (behind 90 Underwood Road)
- **Project Acreage:**
  - 0.21 Acres

- **Parcel Identification (PIN):**
  - 9643-92-2309
- **Current Parcel Zoning:**
  - R-1 Low Density Development District (2 Units/Acre Residential)
- **Requested Zoning:**
  - C-2, Interstate Commercial District
- **Land Use Plan Designation:**
  - "Not in Use"

# Map Amendment Process and Request:



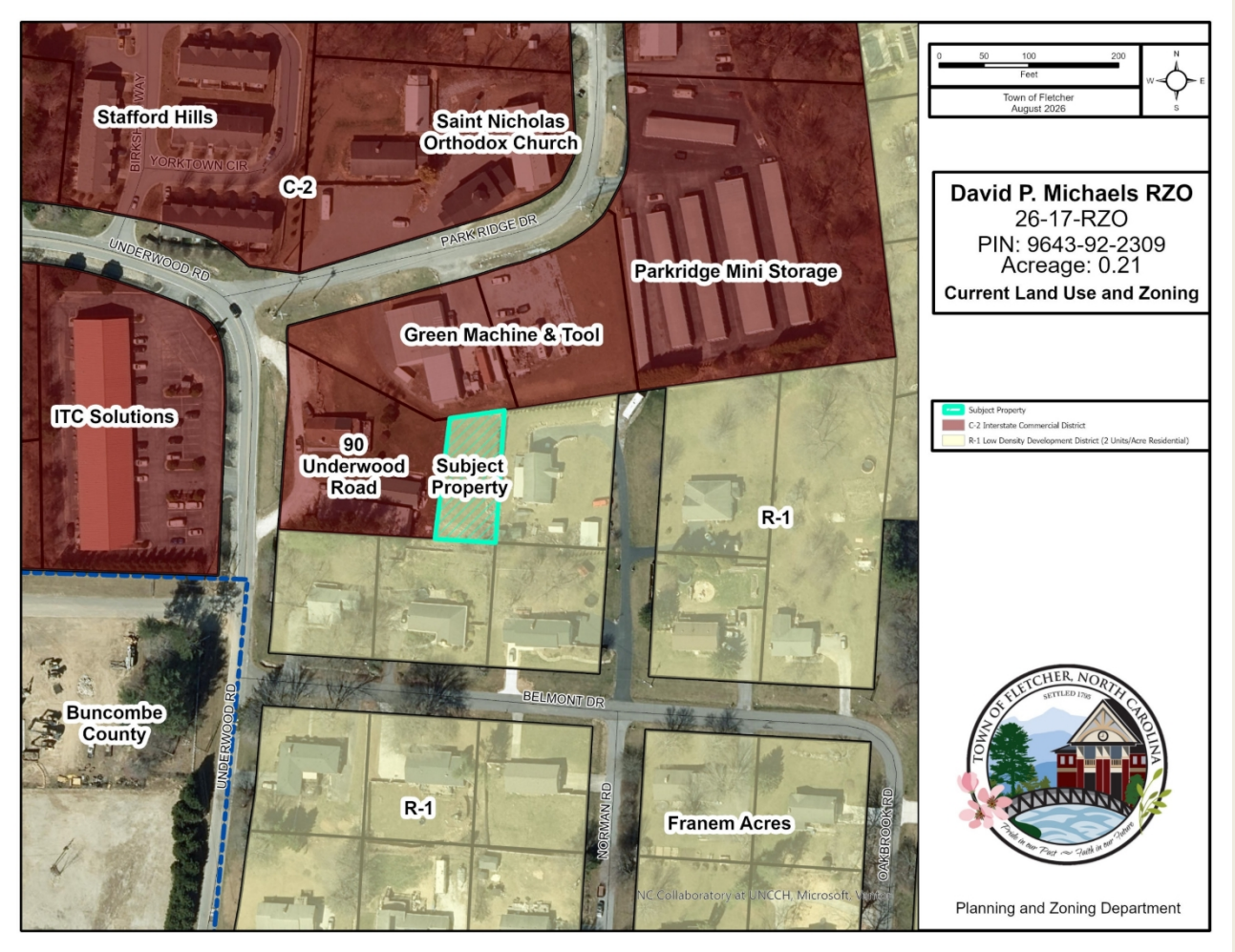

The Planning Board shall review the rezoning request and make a recommendation to the Town Council by majority vote. In its recommendation, the Planning Board shall consider the Comprehensive Plan (Land Use Plan) and state whether the proposed rezoning is consistent with the Plan. Following the Planning Board's recommendation, the Town Council will hold a public hearing and render a decision by majority vote. The Town Council's action shall include findings regarding the proposal's consistency with the Comprehensive Plan and a statement addressing the reasonableness of the proposed rezoning in accordance with N.C.G.S. 160D-605.

The subject property is currently zoned R-1 Low Density Residential District. The property owner also owns the adjacent parcel at 90 Underwood Road, located directly west of the subject property, which is zoned C-2 Interstate Commercial District. Based on available information, it appears the subject property was originally part of a residential lot within the Franem Acres subdivision and was later subdivided and conveyed to the current owner. Following the subdivision, the property retained its residential zoning designation.

It is also important to note that the subject property is landlocked and does not have frontage on a public street. As a result, any future development would require access through an adjoining parcel. Because the applicant owns both the subject property and 90 Underwood Road, it is reasonable to assume that any future access would be provided through 90 Underwood Road.

While the C-2 district permits more intensive commercial uses than the existing R-1 district, the subject property's size of approximately 0.21 acres would make it difficult to develop as a standalone commercial site. If the rezoning is approved and the property is developed commercially, it is likely the subject property and 90 Underwood Road would function as a single, integrated commercial development.

# Existing Zoning & Land Use Map and Description




The subject property is currently zoned R-1 Low Density Development District. Based on the parcel configuration, it appears this tract was originally part of a larger residential lot within the Franem Acres subdivision before being subdivided into its own parcel. This conclusion is supported by the fact that the property has no frontage on a public street and no direct access. It is presumed that the parcel was separated from the original residential lot and conveyed with the expectation that access would be provided through the adjoining property at 90 Underwood Road. Parcels without public street frontage are generally prohibited under the Town's current Land Development Ordinance, except in limited circumstances where specific standards are met.

The surrounding area contains a transition between residential and commercial zoning districts. The property at 90 Underwood Road, immediately west of the subject property, marks the beginning of the C-2 Interstate Commercial District corridor that extends along Underwood Road toward Airport Road. In contrast, the Franem Acres subdivision and the surrounding properties to the east are zoned R-1 Low Density Development District. Franem Acres is a traditional single family residential neighborhood characterized by a grid street network and similarly sized lots measuring approximately 125 feet by 140 feet. The area is predominantly developed with single family homes.

# Site Images



This site photograph depicts the northern property line, which currently adjoins property zoned C-2 Interstate Commercial District.



This photograph depicts the eastern property line, which currently adjoins property zoned R-1 Low Density Development District.



This photograph depicts the southern property line, which currently adjoins property zoned R-1 Low Density Development District.



This site photograph depicts the western property line, which currently adjoins property zoned C-2 Interstate Commercial District. The adjoining property shown in the photograph is 90 Underwood Road, which is owned by the same property owner and will likely provide access to the subject property if it is developed.

## Land Use Plan Consistency:




The proposed development is consistent with the Land Use Plan's 8th goal "To provide for adequate expansion of commercial areas in designated commercial hubs rather than in continuous strips along major thoroughfares"

The proposed rezoning would place both parcels owned by the applicant under the same zoning designation and development standards. Because the subject property is landlocked, its access is dependent upon the adjoining parcel at 90 Underwood Road. Aligning the zoning designation of both properties would allow them to be developed cohesively as a single commercial site rather than under two separate and potentially conflicting zoning districts.

## Permitted Use Comparison:

**P Permitted**

**PS Permitted subject to Additional Standards in Chapter 3**

**SUP Special Use Permit Required (See Chapter 3 and Chapter 15)**

**CZ Conditional Zoning (See Chapter 15)**

**— Not Permitted**

| Uses | R-1 (Current) | C-2 (Proposed) |
|---|---|---|
| **Residential** | | |
| Dwelling, Single Family (Not part of a PRD) | P | — |
| Dwelling, Duplex (Not part of a PRD) | P | — |
| Dwelling, Secondary | PS | PS |
| Family Care Home (6 or fewer residents) | PS | PS |
| Home Occupation | PS | PS |
| Housing Service for the Elderly | — | P |

| | | |
|---|---|---|
| Live Work Units | — | PS |
| Planned Residential Development (PRD) | SUP | — |
| **Lodging** | | |
| Bed and Breakfast Inns | PS | P |
| Hotels, Motels, Inns | — | P |
| **Office/Service** | | |
| Animal Services | — | P |
| ATM | — | P |
| Banks, Credit Unions, Financial Services | — | P |
| Business Support Services | — | P |
| Child/Adult Day Care Home (6–15 persons) | P | P |
| Child/Adult Day Care Center (16 or more persons) | PS | PS |
| Community Service Organization | — | P |
| Drive Thru Service | — | P |
| Funeral Homes | — | P |
| Group Care Facility (More than 6 residents) | — | SUP |
| Government Services | — | P |
| Medical Services, Clinic, Urgent Care Center | — | P |
| Medical Services, Doctor Office | — | P |
| Outdoor Kennels | — | PS |
| Professional Services | — | P |
| Studio, Art, Dance, Martial Arts, Music | — | P |
| Vehicle Services, Major Repair/Body Work | — | PS |
| Vehicle Services, Minor Maintenance/Repair | — | PS |
| **Retail/Restaurants** | | |
| Auto Parts Sales | — | P |
| Bar/Tavern/Night Club | — | P |
| Drive Thru Retail/Restaurants | — | P |
| Gas Station with Convenience Store | — | P |
| General Retail, 10,000 sf or less | — | P |
| General Retail, 10,001 sf to 50,000 sf | — | P |
| General Retail, 50,001 to 100,000 sf | — | SUP |
| Restaurant | — | P |
| Shopping Center, Neighborhood Center | — | PS |
| Shopping Center, Community Center | — | CZ |
| Vehicle/Heavy Equipment Sales, Service, Rental | — | PS |
| **Entertainment/Recreation** | | |
| Adult Establishment | — | SUP |
| Amusements, Indoor | — | P |
| Amusements, Outdoor | — | P |
| Cultural or Community Facility | SUP | P |
| Meeting Facilities | SUP | P |
| Recreation Facilities, Indoor | P | P |

| | | |
|---|---|---|
| Recreation Facilities, Outdoor | P | P |
| Shooting Range, Outdoor | — | — |
| Theater, Movie | — | P |
| Theater, Live Performance | — | P |
| **Manufacturing/Wholesale/Storage** | | |
| Agribusiness | P | — |
| Agricultural Products | PS | PS |
| Construction Services | — | PS |
| Laboratory, Medical, Analytical, Research & Development | — | SUP |
| Laundry, Dry Cleaning Plant | — | P |
| Manufacturing, Light | — | P |
| Manufacturing, Neighborhood | — | P |
| Media Production | — | P |
| Research and Development | — | P |
| Wholesaling and Distribution | — | SUP |
| Cemeteries | P | P |
| Colleges/Universities | — | P |
| Hospital | — | P |
| Public Safety Station | SUP | P |
| Religious Institutions | SUP | P |
| Schools, Elementary & Secondary | SUP | P |
| Schools, Vocational/Technical | — | P |
| **Infrastructure** | | |
| Wireless Telecommunication Facility, Stealth | PS | PS |
| Utilities Class 1 | P | P |
| Utilities Class 2 | — | SUP |
| Utilities Class 4 | — | PS |

# Planning Board Recommendation:

## *The Planning Board voted 7-0 to recommend approval of the Standard Rezoning Request.*

### *Motion by the Planning Board:*

I move the Planning Board recommend Town Council **adopt** an ordinance amending the official zoning map of the Town of Fletcher, changing the zoning designation of the subject property from R-1 Low Density Development District to C-2 Interstate Business District finding:

**1. The petition is found to be consistent with the Town of Fletcher Land Use Plan based on the information from the staff analysis and the public hearing, and because:**

The petition proposes for an adequate expansion of commercial areas in designated commercial hubs rather than in continuous strips along major thoroughfares

**2. We find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:**

1. The proposed rezoning would allow the subject 0.21 acre parcel to share the same zoning designation and development standards as the adjoining parcel from which it derives access. This creates a more logical and consistent zoning pattern for the two properties.
2. The rezoning is not anticipated to create significant adverse impacts on the surrounding residential neighborhood. Due to the parcel's small size of approximately 0.21 acres and its reliance on access through the existing commercial property, any future development would likely occur as an extension of the adjoining commercial site rather than as a standalone commercial development. Existing development standards, buffering, landscaping, lighting, and other Land Development Ordinance requirements would continue to mitigate potential impacts on adjacent residential properties

### *Vote*

**Motion:** Mike Franklin

**Second:** Doug Ferguson

**For:** Robyn Mondin, Mike Franklin, Doug Ferguson, Julia Fogel, Lee Bowser, Jacob Compher, Leslie Cuevas

**Against:** None